

Arlington Redevelopment Board
March 21, 2016 Minutes
Senior Center, Main Room, 27 Maple Street – 7:00pm

Approved: April 11, 2016

This meeting was recorded by ACMi.

PRESENT: Andrew Bunnell, (Chair), Michael Cayer, Kin Lau, Andrew West

ABSENT:

STAFF: Jennifer Raitt, Laura Wiener, Ted Fields, Joey Glushko

Documents Used:

Proposed Zoning Bylaw Amendments, Articles 6-17

Letter submitted by Ned Mahoney and Martha Mahoney

Letter submitted by David Chamberlain dated March 20, 2016

“Housing Production Plan Public Forum”

“Town of Arlington Residential Parking Analysis, March, 2016”, Prepared for: Town of Arlington Department of Planning and Community Development, Prepared by: Metropolitan Area Planning Council (MAPC).

“Arlington Town Meeting Article 16—Substitute Motion”, Prepared by John L. Worden III, Town Meeting Member, Precinct 8.

“Master Plan Implementation Committee Statement of Support for Proposed Zoning Changes”, dated March 21, 2016

“Arlington Single Family and Condominium Sales 1/1/2012—3/18/2016”, submitted by Steve McKenna

Exhibit: “39 Highland—initial proposal, approx. 8,900 sq. ft.” Received by ARB on 3/21/16.

Exhibit: “39 Highland—revised proposal, approx. 6,450 sq. ft.” Received by ARB on 3/21/16.

Exhibit: Article 14. “Current and Proposed Zoning Regulations for Home Separation in the R0, R1, R2 Zoning Districts”, Received by ARB on 3/21/16.

The Chairman opened the meeting at 7:00pm and stated that the meeting was being recorded by ACMi. Mr. Bunnell turned to Article 6, Mixed-use in Business and Industrial Zones, and asked Laura Wiener to provide a brief overview of the article. Ms. Wiener said this Warrant Article is in response to the Master Plan, which recommends allowing mixed-use development as a means to revitalize the business districts. Today's zoning makes it difficult to develop mixed-use because of conflicting requirements for setbacks and parking. Mr. Bunnell opened the floor to public comment.

Chris Lorette, 56 Adams Street, stated that he is concerned that the wording of the proposed article is adding things by right that are currently prohibited, such as welding. He also stated that the proposed dimensional changes in the B1 zone have created a loophole by not creating a minimum lot area for a mixed-use lot. Mr. Lorette mentioned the dimensions in the B2 zoning districts should be reassessed as well.

Ralph Willmer, 17 Walnut Court, and member of the Master Plan Implementation Committee (MPIC), reported that the MPIC supports this article as drafted. It reflects the spirit of the Master Plan. The highest priority in the Master Plan is to promote development and vibrancy in the commercial areas.

Mr. Lau said that he supports this article because it encourages development and growth in the commercial corridors. Mr. Cayer said he appreciated the MPIC's views on this article. Comments on the height and step backs resonated with the Board during past discussion of this article, and were considered when editing the language of the proposed article. Mr. West said that he felt that the article would be great for the town, and for welcoming new economy businesses and development, and he is pleased that projects will be reviewed through the special permit process. Mr. Bunnell said this was a topic brought up consistently through the Master Plan process. People wanted to see more mixed-use, more office space, and an increase in residential housing stock; Mr. Bunnell said he fully supports this article.

Mr. Bunnell turned to Article 7, Parking in Business, Industrial and Multi-Family Residential Zones. Ms. Wiener noted that the Master Plan recommends that our parking be more flexible and reflect what is actually needed in

multifamily housing along commercial corridors; this amendment does not affect single- or two-family residential areas. Ms. Wiener said this amendment allows the reduction of parking in multifamily housing and mixed-use properties by special permit, in commercial areas where there is transit access. She also referred the Board to a parking study by MAPC entitled "Town of Arlington Residential Parking Analysis" that they received in their packets. The Parking Study supports the notion that one parking space per unit is often sufficient in commercial areas near transit.

Matt Paquin of Rublee Street asked the Board to explain their position on the Articles. Mr. Bunnell said typically the Board accepts public comment first, and then will give their opinion.

Mr. Loreti said that he thought 25% was too much of a reduction in parking, and that 50% might be more appropriate. Mr. Loreti said that he thinks item 2 of the proposed article actually makes off-site parking more difficult to create. He added that Section 8.12 is referenced within the proposed language, but that section of the Zoning Bylaw does not apply to the districts being referenced in the article.

Ms. Wiener responded that Section 8.12 applies to single-family and two-family zones. In all zones there is a requirement that educational and religious uses be allowed. In those areas, the reduction to 80% of the parking requirement that is in the zoning bylaw continues to apply.

Mr. Willmer spoke on behalf of the Master Plan Implementation Committee. The Committee feels that this article would reduce the reliance on land devoted to parking, and vehicle reliance throughout Arlington. This concept has been successfully applied across the Commonwealth.

Mr. Cayer said the Board did discuss different reductions in parking and feel comfortable with the reduction set forth in the language. Mr. Lau and Mr. West both stated that this article goes along with mixed-use, and is an important tool to encourage development in commercial areas. Encouraging less reliance on cars is an important trend in planning.

Mr. Bunnell turned to Article 8, Residential Zoning Changes-Definitions. Ms. Wiener said this set of changes brings current definitions in line with current state building code. It amends definitions of basement, cellar, attic, story, half story, and gross floor area.

Mr. Loreti asked if those involved with the citizen articles should speak about Articles 13 and 17, as they are related to the Redevelopment Board's articles. Mr. Bunnell agreed. Mr. Loreti said that his group supports the change that the ARB is proposing, but wants to eliminate some of the loopholes regarding how the floor area is calculated. Article 17 would revise the definition of a half story to increase the area that counts towards a half story. Mr. Loreti directed the Board to review Article 13, which would expand the area counted as part of gross floor area. These suggestions tighten up what is excluded in the floor area calculation as it applies to one-to three-family houses and duplexes.

Mr. Willmer, speaking on behalf of the MPIC said that the Committee supports the proposed changes to the definitions as stated in Article 8.

Jonathan Nyberg, 129 Lake Street, thanked the Board for their time and effort on these proposed amendments. Mr. Nyberg stated that he is in the real estate business; Arlington has strong zoning regulations, and the Town regulates development well. His concern is that people in Arlington who live on 5,000 square foot lots that need the most help are being penalized the most as a result of some of these proposed restrictions.

Adam Schoen, 93 Madison Avenue said he was fine with Article 8, but 13 and 17 concern him. Changing the gross floor area calculation is confusing. Mr. Loreti said that perhaps the Building Inspector could provide some clarification on the language.

Michael Beck, 6 Adamian Park, responded to the concept that a basement is not considered a story unless it is more than 4'6" above the finished grade. His recommendation is not to conform to the state requirement on

this matter, because it would turn his basement, which is between 4'6" and 3'6", into a full story.

Joe Baum, 74 Mystic, is a carpenter, and stated that the zoning amendments will hinder his ability to provide for his family. He provided a letter from Ned Mahoney and his wife who were unable to attend the public hearing. Mr. Baum read the Mahoney's letter to the Board, stating their objections to the proposed zoning amendments, which they feel will limit their ability to stay in their home.

Aaron Banke, 103 Bow Street, said that these amendments would take his current job as a carpenter away from him. He asked that the Board consider the loss of jobs that would result from these amendments when reviewing the proposed changes.

John Worden, 27 Jason Street, said that the amendments do not ban people from making additions to their homes. Mr. Worden said the Master Plan speaks of the necessity to preserve Arlington's residential neighborhoods, and deal with the issues of tear downs and floor area ratio of new construction. The citizens' group is proposing giant strides, rather than small steps towards dealing with the items referenced in the Master Plan.

Carl Toumayan, an attorney from Lexington, spoke on behalf of a number of his Arlington clients. He stated that if the definition changes are approved as written, numerous residents will have nonconforming structures. The definition changes are significant and have wide ranging implications.

June Walkowski, 128 Alpine Terrace, stated that she does not agree that the proposed changes will make Arlington more expensive or harder for carpenters to keep their jobs. These restrictions would prevent overly expensive homes from being built. Builders can still build smaller scale additions under these proposed changes. She would like Arlington to take a leadership role in promoting modest, healthy development.

Adam Auster, 10 Cottage Avenue, said that his concern is about what is replacing some of the tear-downs. The Master Plan elevated community interest in development issues. People want growth in the corridors, but want to keep their residential neighborhoods intact.

Christopher Moore, 80 School Street, said it would be helpful if the Board explained what problem they are trying to solve. This point is less clear with the more technical articles.

Nadine Elon, 143 Palmer Street, said she does not understand what the changes are accomplishing. It is not clear what changes in floor area ratio actually mean to a homeowner in Arlington. She wondered if these changes would affect her ability to build a dormer.

Jim Doherty, 16 Spy Pond Parkway, said Arlington has a small amount of new growth compared to other communities. Nearly ninety percent of the revenue of new growth comes from additions. New growth helps the town pay for improving our schools and other services.

Mr. Cayer said it is important to consider the Master Plan. The MPIC has spent a lot of time trying to consider the wishes of the Town while also trying to manage development. With respect to Articles 13 and 17, it is unclear that these were worked through with the MPIC. Mr. Cayer said he supports Article 8, but not Article 13 and 17. Mr. Worden asked what work the MPIC did to consider Articles 13 and 17. Mr. Bunnell said this falls outside of the scope of the Board's discussion

Mr. Lau agreed with Mr. Cayer. The Board is not trying to make changes that would change the character of Arlington. For instance, if a porch is counted in the gross floor area, then builders will stop building porches.

Mr. West said it would be helpful to understand the big picture of all the articles. The ARB articles are light attempts to limit scale, but it is not stopping people from building additions. Mr. West said that Articles 13 and 17 might have been able to be merged with some of the ARB articles. Mr. Bunnell said these articles are intended to be incremental changes to the Zoning Bylaw and be responsive to the Master Plan.

Mr. Bunnell turned to Article 9, Residential Zoning Bylaw Changes—Dimensions. Ms. Wiener summarized that this proposed amendment is to increase the open space requirement in the R0, R1, and R2 zones. It changes the percentage of the lot which must be open space, which effects how much building there can be on a lot. The open space requirement is tied to the gross floor area of the structure. The Board is proposing an increase from 30% to 40%, which would control the amount of new area that could be built, either by addition or new construction.

Mr. Schoen said that if he wanted to put a living room addition on his modest size home, it would be impossible to do so under these changes. There are a lot of young families that do not want to move but would be very limited with what they can change about their houses if they decided to stay here.

Mr. Toumayan said that by changing both the definitions and the open space percentages, it becomes very difficult for residents to meet the requirements.

Christian Klein, 54 Newport Street, asked the Board why they are only addressing usable open space and not landscaped open space. Ms. Wiener said if they increased the requirement for landscaped open space it would improve the appearance of yards, but it wouldn't do anything to control the size of the house.

Mr. Loreti said that this 40% change of usable open space is not difficult to meet for most houses. The only time it may be an issue is for people who want to add a lot of square footage to their house and a garage. Mr. Loreti said he supports this change.

Joe Barr, Park Street, introduced himself as a co-chair of the MPIC. The MPIC has fully supported the ARB in moving these concepts from the Master Plan into the articles that are presented today. If further discussion shows that 40% open space has unintended consequences they would be open to reconsidering this percentage.

Mr. Nyberg said that going from 30% up to 40% of GFA for open space is a 33% increase, which is not a minor step; maybe there could be an incremental increase, because the 30% is working for most people in Arlington.

Mr. Cayer said the contiguous 25 foot requirement has not changed from before; and this discussion is worth having at Town Meeting. Mr. Cayer added that both the MPIC and the Planning staff have done an extensive amount of work on these issues. Mr. Lau agreed with Mr. Cayer, and said there have been numerous meetings where these requirements were discussed and debated. Mr. West agreed and said he supported this article. Mr. Bunnell said he does not fully support the 40% requirement because it may be overly restrictive; Mr. Bunnell said he sees room for compromise with this percentage.

Mr. Bunnell turned to Article 10 Residential Zoning Changes—Parking. Ms. Wiener summarized this proposed article which is meant to address the aesthetics of double width driveways in front of new houses. It would allow 2, 10-foot driveways by-right (now allowed by special permit only), and limit driveway slope to 15% maximum except by special permit. Builders had suggested at an earlier ARB meeting in January that allowing a second driveway might result in fewer double-width driveways leading to garages underneath homes.

Elizabeth Pile, 66 Gloucester Street, said that the 15% grade is a smart idea, but is concerned about the unintended consequences of allowing two driveways by right for existing two-family houses. Ms. Pile said she is concerned with the drainage issues that could come from the addition of a second driveway, and the lack of vegetation between lots that could result from this proposed amendment.

Mr. Klein said that in a R2 district, this article would eliminate the chance of having vegetation between houses.

Mr. Loreti said this language would eliminate more on street parking, due to the increase number of curb cuts. There is also no limitation on where this driveway could go on the property. Mr. Loreti's suggestion is to keep this as a special permit condition but work with the Zoning Board of Appeals.

Mr. Barr said that the MPIC endorsed the second driveway provision after feedback from residents at an ARB meeting held in January.

Mr. Beck said this issue is very specific to certain neighborhoods in Arlington. The houses people want to preserve in Arlington would not be built under the conditions of the proposed articles.

Mr. Lau said that this would apply only to two-family and three-family homes, not single-family residences. This language would not result in residents building driveways overnight; existing driveways might already have drainage issues with neighboring lots, but this language would not make that situation any worse. Mr. West said he is concerned about the curb cut issue, and how curb cuts will affect the streetscape. Mr. Cayer proposed removing the language allowing two driveways. Mr. Bunnell agreed. Mr. Lau and Mr. West noted that they both support the bylaw amendment that limits driveway slope to 15% except by special permit.

Having finished discussion of all of the ARB-sponsored warrant articles, the Board deliberated on the Articles and then voted on their recommendations.

Regarding Article 9, Mr. Cayer asked if the Chairman would support a 35% open space requirement, instead of the 40% proposed. Mr Bunnell said he could support 35%. Mr. Lau and Mr. West said they would support this change as well. Mr. Cayer recommended that the Board change the open space requirement proposed in Article 9 from 40% to 35%.

Article 6. Ms. Wiener suggested minor edits to the language of Article 6. In "Adding Section 6.285, Upper Story Building Step Backs", the proposed language as written says that step backs begin at the third story. She thought the Board intended that step backs should start at the fourth story. The Board agreed that the language should read "beginning at the fourth story". Mr. Cayer moved to recommend Article 6 to Town Meeting, as set forth in the proposed vote, with the amendment proposed by Ms. Wiener. Mr. Lau seconded. All voted in favor.

Article 7. Mr. Cayer moved to recommend Article 7 to Town Meeting as set forth in the language of the proposed vote. Mr. West seconded. All voted in favor.

Article 8. Mr. Cayer moved to approve the recommended vote for Article 8 to Town Meeting. Mr. West seconded. All voted in favor.

Article 9. . Mr. Cayer moved to approve the recommended vote for Article 9 as amended, changing the open space requirement to 35%. Mr. Lau seconded. All voted in favor.

Article 10. Mr. Cayer suggested that Article 10 be amended by removing Section 8.07(a), allowing two driveways. He then moved to approve the recommended vote for Article 10 as amended. Mr. Lau seconded. All voted in favor.

Mr. Bunnell turned to Article 11 Garage Entrance Locations, inserted at the request of Wynelle Evans and ten registered voters, to require garages be located 10 feet beyond the front yard setback for single-family and two-family houses and duplexes. Mr. Worden requested that Article 15, regarding large residential additions, be taken out of order. Mr. Bunnell agreed. Mr. Worden summarized that the proposed changes would require a special permit for alterations or replacements of more than 750 square feet or 50% of the building's gross floor area. The intent of the article is to keep house sizes in alignment with the size of their lot.

Mr. Toumayan stated that this proposed change adds a special permit process to what is now permitted by right under the Zoning Bylaw. New houses should be allowed so long as they meet the zoning requirements.

Ms. Pile stated she is in favor of Article 15. Ms. Pile described a recent construction project near her house where the neighborhood abutters' to the ZBA's input significantly helped. Input from neighbors resulted in a smaller scale home being built, more in harmony with the existing neighborhood.

Steve McKenna, 4 Upton Road, said that he thinks these zoning changes are being made piecemeal. People want to stay in Arlington, but a lot of people are unhappy with what the new developments look like. Mr. McKenna gave the Board information on average home sale prices and square footage. He stated that the Master Plan supports growth in the community. These proposed changes are not in alignment with the Master Plan.

Mr. Doherty stated that the current situation reflects homeowners' choices. There is no need for a special permit process which will add more fees and delays for homeowners.

Mr. Klein commented that the collective use of terms in this article could lead to confusion because the same terms are all defined independently in the building code.

Mr. Beck said that additions to average size ranches would automatically require a special permit.

Mr. Cayer agreed with the previous comment, and thinks that the current model is working. Mr. Lau agreed with Mr. Cayer, and thinks the article is a little too aggressive. Mr. Lau said that homeowners should be able to rebuild within the previously existing foundation. The special permit process does delay projects, and increases costs. Mr. West agreed. Mr. Bunnell said he understands the intent but doesn't think this particular article is the way to resolve the problem.

Mr. Bunnell turned to Article 11 Garage Entrance Location, inserted at the request of Wynelle Evans and ten registered voters. Ms. Evans said that this bylaw revision would require front facing garage entrances to be set back from the front façade of the house by at least 10 feet.

Mr. Beck said he agreed with this article, but disagrees with pulling back garages by the proposed distance.

Mr. Toumayan said this article should be written to be applied to detached garages. Mr. Loreti clarified the requirements of a detached garage.

Mr. Nyberg said he understands the intent of this article, but doesn't think the result will have a positive impact.

Mr. Cayer agreed with the public comments previously stated. He does not think the Board can go this far when dealing with setbacks of garages. Mr. Lau agreed that the intent is clear, but he is not comfortable with what the results of this proposed amendment would be. Mr. West and Mr. Bunnell said they would not be able to support this article in its current form.

Mr. Bunnell turned to Article 12 Rear Yard Setbacks, inserted at the request of Wynelle Evans and ten registered voters, to limit the exception for rear yard setbacks to undersized lots. Mr. Cayer said the article is confusing because the dimensional requirements are unclear. Mr. Lau said he would be willing to support this article with clarification on lot size requirements. Ms. Evans provided an example to Mr. Lau about how the proposed language would apply to a lot. Mr. Lau said this article is hard to understand. The Board agreed.

Mr. Loreti provided clarification for the Board and stated that this change only applies to lots that meet the minimum requirement that tend to be wide and shallow.

Mr. West said he does not understand the article and will not support it. Mr. Lau stated that he retracts his support for this article because he does not understand the language.

Mr. Bunnell stated that Article 13 and 17 have already been discussed, and turned to Article 14 which was inserted at the request of John L. Worden III and ten registered voters, to modify the side yard setback requirement to 30 feet between buildings. Mr. Loreti presented this article to the Board and discussed the placement of roof gables facing side yards that limit the light on adjacent lots. Windows are entirely in the shade with a simple 20 feet between building. Mr. Loreti thinks this an appropriate response to protect neighborhoods, while not burdening the homeowners.

Mr. Toumayan stated that this article is a de facto side yard setback and that this article would be unenforceable.

Paul Parisi, Hemlock Street, said that he disagrees with the previous statement and provided the dimensions of his lot to the Board as an example.

Mr. Nyberg agrees with the intent of the article, but does not think this is realistic for smaller lots.

Mr. Moore said that keeping the restrictions based on setbacks from lot lines, rather than what might be going on in a neighboring lot makes more sense.

Mustafa Varoglu, 26 Shawnee Road, agreed with the previous statements made. We already require setbacks.

Mr. Cayer stated that this article is unequitable and unenforceable, and he will not support it. Mr. Lau agreed, noting that it gives an unfair advantage to existing homeowners. Mr. West agreed. Mr. Bunnell added that he thought it was unenforceable and unequitable.

Mr. Bunnell turned to Article 16, inserted at the request of John L. Worden III and ten registered voters, to revise the manner in which building height is calculated.

Mr. Moore said he is concerned with the areas of town where the lots slope downhill from the front of the lot to the back.

Mr. Nyberg said that the current zoning bylaw speaks to the average grade, which works well.

Mr. Doherty said that this article is a significant change, including measuring from the ground floor of the garage.

Mr. Beck said this article would be a game changer for everyone living in a cape or ranch in a hilly landscape.

Ms. Pile said that this is an easy, common sense way to enforce building height.

Mr. Cayer said this would never work in Arlington Heights. It would not make sense to use one method in one section of town, and another method in another neighborhood. Mr. Lau agreed, this would affect certain buildings in specific parts of Arlington more than others. Mr. West said the town should stick with the average grade, and what is currently in the Zoning Bylaw. Mr. Bunnell agreed.

Mr. Bunnell clarified that the Board would recommend action or no action to Town Meeting.

Article 11. Mr. Cayer moved that the Redevelopment Board recommend no action on Article 11. Mr. Lau seconded. All voted in favor.

Article 12. Mr. Cayer moved that the Redevelopment Board recommend no action on Article 12. Mr. West seconded. All voted in favor.

Article 13. Mr. Cayer moved that the Redevelopment Board recommend no action on Article 13. Mr. West seconded. All voted in favor.

Article 14. Mr. Cayer moved that the Redevelopment Board recommend no action on Article 14. Mr. West seconded. All voted in favor.

Article 15. Mr. Cayer moved that the Redevelopment Board recommend no action for Article 15. Mr. Lau seconded. All voted in favor.

Article 16. Mr. Cayer moved that the Redevelopment Board recommend no action on Article 16. Mr. Lau seconded. All voted in favor.

Article 17. Mr. Cayer moved that the Redevelopment Board recommend no action on Article 17. Mr. West seconded. All voted in favor.

Mr. Bunnell closed the public hearing. Mr. West left the meeting at this time.

The Board voted unanimously (3-0) to approve the minutes of February 29, 2016 as written.

Mr. Bunnell turned to new business item of the Housing Production Plan that is upcoming in April. Ms. Wiener noted that this Board and the Board of Selectmen would need to adopt the Housing Production Plan. She also thanked Mr. Bunnell for his participation on the Housing Plan Advisory Committee.

Mr. Cayer moved to adjourn. Mr. Lau seconded. All voted in favor.